

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.
★ AUG 6 2006 ★

BROOKLYN OFFICE

JUDITH ANN DePHILLIPS,

Plaintiff,

- against -

TOWN OF RIVERHEAD, TOWN OF
RIVERHEAD POLICE DEPARTMENT,
SERGEANT JOHN VAIL, OFFICER
TIMOTHY McALLISTER, and OFFICER
RAYMOND BROGAN,

Defendants.

**ORDER AFFIRMING REPORT
AND RECOMMENDATION OF
MAGISTRATE JUDGE AND DENYING
MOTION TO AMEND COMPLAINT**

CV-04-5570 (BMC) (WDW)

COGAN, District Judge.

On July 12, 2006, Magistrate Judge William D. Wall issued a report, recommending that Plaintiff's Motion for Leave to File an Amended Complaint (docket no. 15) be denied. On July 21, 2006, plaintiff filed an Objection to such report (docket no. 38). The Court has considered plaintiff's objections and finds them unpersuasive.

Plaintiff's Motion for Leave to File an Amended Complaint (docket no. 15) is DENIED for the reasons set forth in Judge Wall's Report and Recommendation (docket no. 37). Plaintiff's proposed amendments fail to state a claim and thus amendment would be futile. Plaintiff's Objection to the Report and Recommendation (docket no. 38) does not address the legal deficiencies found by the Magistrate Judge but merely repeats her proposed new allegations and asserts in conclusory fashion that those allegations deprived her of her rights. The Report and Recommendation is accepted and the Objection is overruled. Accordingly, it is hereby

ORDERED, that the Report and Recommendation of Magistrate Judge Wall is adopted, and plaintiff's Motion for Leave to File an Amended Complaint (docket no. 15) is denied.

The Clerk of the Court is directed to mail a copy of this Order to plaintiff *pro se*.

Dated: Brooklyn, New York
August 7, 2006

/s/(BMC)

U.S.D.J.